

Accordingly, the Senate at 12:22 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

**APPENDIX**

**Sent to Governor**

**March 5, 1973**

S.C.R. 10

S.C.R. 17

S.C.R. 32

S.B. 133

**THIRTY-FIRST DAY**

(Tuesday, March 6, 1973)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Absent-excused: Clower.

A quorum was announced present.

The Reverend Dr. Joe Trull of Crestview Baptist Church, Austin, Texas, offered the invocation as follows:

Here we are again Lord, Facing another day . . .

A day of pressures and problems . . .

A day of difficult decisions . . .

A day of potential and possibility . . .

Smile upon us this day . . .

Help us not to forget that You are just as concerned as we are for the welfare of this state and its citizens.

Give to each person present in these chambers the strength of mind, heart, and soul he needs for this day. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**LEAVE OF ABSENCE**

Senator Clower was granted leave of absence for today on account of important business on motion of Senator Herring.

**MESSAGE FROM THE HOUSE**

Hall of the House of Representatives  
Austin, Texas, March 6, 1973

Honorable William P. Hobby  
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 49, A bill to be entitled An Act relating to the membership and election of the board of directors of the Donley County Hospital District; amending Subsections (c) and (d), Section 3, Chapter 699, Acts of the 61st Legislature, Regular Session, 1969; and declaring an emergency. (With amendment)

H.C.R. 72, Congratulating the Honorable Leonard Briscoe, Fort Worth City Councilman.

Respectfully submitted,  
DOROTHY HALLMAN  
Chief Clerk, House of Representatives

**REPORTS OF STANDING COMMITTEES**

Senator Brooks submitted the following report for the Committee on Human Resources:

S.B. 147 (Amended)

Senator Aikin submitted the following reports for the Committee on Finance:

S.C.R. 34  
S.B. 124

Senator Moore submitted the following reports for the Committee on State Affairs:

S.J.R. 13  
S.B. 185  
S.B. 174

Senator Wallace submitted the following reports for the Committee on Intergovernmental Relations:

S.B. 122  
S.B. 271  
H.B. 106  
H.B. 318

**SENATE BILLS AND RESOLUTIONS ON FIRST READING**

The following bills and resolution were introduced, read the first time and referred to Committee indicated:

By Senator Mengden:

S.B. 461, A bill to be entitled An Act relating to the creation of district courts in certain counties for the purpose of prosecuting drug offenses;

amending Subchapter C, Judicial Districts Act of 1969, as amended (Article 199a, Vernon's Texas Civil Statutes), by adding new Sections 3.101 through 3.121; and declaring an emergency.

To Committee on Jurisprudence.

By Senator Mengden:

S.B. 462, A bill to be entitled An Act relating to the creation of a narcotics division within the Department of Public Safety of the State of Texas; providing for the powers and duties of the narcotics division; and declaring an emergency.

To Committee on State Affairs.

By Senator Mengden:

S.B. 463, A bill to be entitled An Act relating to the payment of rewards to persons who provide information leading to arrest and conviction of certain drug offenders; and declaring an emergency.

To Committee on Jurisprudence.

By Senator Brooks:

S.B. 464, A bill to be entitled An Act relating to the testing of students for placement in special education classes for the mentally retarded; amending Subchapter Z, Chapter 21, Texas Education Code, by adding Section 21.911; and declaring an emergency.

To Committee on Education.

By Senators Brooks, Gammage, Ogg, Mengden, Wallace and Schwartz:

S.B. 465, A bill to be entitled An Act relating to requiring the Parks and Wildlife Department to determine the boundaries of state-owned land in and around Armand Bayou in Harris County; and declaring an emergency.

To Committee on Natural Resources.

By Senator Traeger:

S.B. 466, A bill to be entitled An Act relating to terms of office of directors of certain water supply corporations and sewer service corporations; amending Section 3, Chapter 76, Acts of the 43rd Legislature, 1st Called Session, 1933, as amended (Article 1434a, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on State Affairs.

By Senator Herring:

S.B. 467, A bill to be entitled An Act relating to the construction and operation of county-owned parking stations near county courthouses in counties with a population of 290,000 or more; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Mauzy:

S.B. 468, A bill to be entitled An Act relating to reasonable attorney's fees provided for in a note or other evidence of indebtedness; amending Article 2226, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

To Committee on Human Resources.

By Senator Mauzy:

S.B. 469, A bill to be entitled An Act creating a public agency of the State of Texas to be known as the Texas Housing Finance Agency, and prescribing its purposes; defining terms; authorizing the agency to issue revenue bonds to provide money for its purposes, including primarily the providing of dwelling accommodations for persons of low income; prescribing the governing board, organization, functions, operation, powers, and duties of the agency; providing for the payment and security of the agency's bonds; prescribing the

characteristics of the agency's bonds; providing for refunding the agency's bonds; creating a reserve fund for the agency's bonds, to be established with the state treasurer, and to be funded and maintained with bond proceeds or other resources of the agency; prescribing procedures for restoration of depletions of the reserve fund by appropriations; enacting other provisions relating to the subject; providing for the cumulative effect of the act; providing a severability clause; and declaring an emergency.

To Committee on State Affairs.

By Senator Mauzy:

S.B. 470, A bill to be entitled An Act relating to phasing out state fiscal support for county school administration and providing for local support; amending Chapter 17, Texas Education Code, by adding Subchapter G; amending Chapter 18 by adding Section 18.32; and declaring an emergency.

To Committee on Education.

By Senators Wolff and Gammage:

S.B. 471, A bill to be entitled An Act relating to the establishment of a community senior citizens employment program under the Governor's Committee on Aging; amending Chapter 320, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 695k, Vernon's Texas Civil Statutes), by adding a Section 5a; and declaring an emergency.

To Committee on Human Resources.

By Senator Santiesteban:

S.B. 472, A bill to be entitled An Act relating to the establishment and operation of a state lottery and the creation of the Texas Lottery Commission; providing penalties; and declaring an emergency.

To Committee on State Affairs.

By Senator Santiesteban:

S.B. 473, A bill to be entitled An Act relating to a referendum election on proposals for raising revenue for the support of the state government; providing for submission of propositions on establishment of a state lottery in Texas; and declaring an emergency.

To Committee on State Affairs.

By Senator Santiesteban:

S.B. 474, A bill to be entitled An Act providing for the regulation, licensing, and taxing of horse racing and/or dog racing, and pari-mutuel wagering in this state; repealing Article 647 through 652, Penal Code of Texas, 1925, and Sections 2, 2a, and 4, Chapter 1, Acts of the 45th Legislature, 1st Called Session, 1937; amending Chapter 2, Acts of the 45th Legislature, 1st Called Session, 1937; and declaring an emergency.

To Committee on State Affairs.

By Senator Longoria:

S.B. 475, A bill to be entitled An Act relating to the issuance and conditions of a citation issued for an alleged violation of the game, fish, and park laws of this state; providing a penalty; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Mengden:

S.B. 476, A bill to be entitled An Act relating to dates on which certain elections may be held and limiting the frequency of certain elections; amending the Texas Election Code by adding Sections 9b and 9c; and declaring an emergency.

To Committee on State Affairs.

By Senator Mengden:

S.B. 477, A bill to be entitled An Act relating to members of the legislature appearing before or contacting in person an officer or employee of a state agency; providing penalties; amending Section 4, Chapter 12, Acts of the 55th Legislature, 1st Called Session, 1957 (Article 183-2, Vernon's Texas Penal Code), and adding a new Section 2a; and declaring an emergency.

To Committee on Jurisprudence.

By Senator Mengden:

S.B. 478, A bill to be entitled An Act authorizing the State Board of Public Welfare to promulgate rules and regulations governing state assistance grants and medical programs for needy individuals without regard to the availability of federal matching funds or federal guidelines; and declaring an emergency.

To Committee on State Affairs.

By Senator Mauzy:

S.B. 479, A bill to be entitled An Act amending Chapter 889, Acts of the 61st Legislature, Regular Session, 1969, as amended by Chapter 540, Acts of the 62nd Legislature, 1971, Regular Session (codified as Section 21.080 of the Texas Education Code); relating to the payment of tuition for certain individuals to attend an adjacent public school; and declaring an emergency.

To Committee on Education.

By Senators Blanchard, Harris and Jones:

S.B. 480, A bill to be entitled An Act to amend Article 3.39, Part I, C, paragraph 3, Texas Insurance Code, 1951, as amended, to permit investment of capital, surplus and contingency funds over and above the greater of either (a) ten per cent of admitted assets as determined from latest annual statement on file with the State Board of Insurance or (b) the minimum capital and surplus requirements for incorporating a life insurance company under Chapter 3, Texas Insurance Code, as amended, in the capital stock, bonds, and other obligations of any one or more solvent corporations.

To Committee on Economic Development.

By Senator Aikin:

S.B. 481, A bill to be entitled An Act appropriating Five Hundred Thousand Dollars (\$500,000) to the Senate of the State of Texas and One Million Dollars (\$1,000,000) to the House of Representatives of the State of Texas for the fiscal year ending August 31, 1973; and declaring an emergency.

To Committee on Finance.

By Senator Hightower:

S.B. 482, A bill to be entitled An Act authorizing the State of Texas Building Materials and Systems Testing Laboratory to expend fees collected and making an appropriation thereof; and declaring an emergency.

To Committee on Finance.

By Senator Hightower:

S.B. 483, A bill to be entitled An Act relating to the creation, establishment, administration, maintenance, operation, and financing of the Lockney General Hospital District of Floyd County, Texas, under Article IX, Section 9, of the Texas Constitution; and declaring an emergency.

To Committee on Human Resources.

By Senators Brooks, Sherman and Gammage:

S.B. 484, A bill to be entitled An Act establishing certain rights, duties, and remedies of residential landlords and tenants in regard to tenants' security deposits; granting persons eighteen years of age and older the right to enter into binding residential rental agreements and/or security deposit agreements; and repealing inconsistent laws; and declaring an effective date.

To Committee on Human Resources.

By Senator Moore:

S.B. 485, A bill to be entitled An Act to supplement the appropriation to Texas A and M University for utilities for the year ending August 31, 1973, by the amount of \$401,975.00 to pay additional cost of fuel to provide utilities to the educational and general facilities of the University.

To Committee on Finance.

By Senator Moore:

S.B. 486, A bill to be entitled An Act amending Section 3.23, Subchapter B, Chapter 3, Texas Education Code, by adding Subsection (d) relating to membership service credit for any member who performed one but not more than five years of service as educational adviser in the Civilian Conservation Corps; and declaring an emergency.

To Committee on Education.

By Senator Moore:

S.B. 487, A bill to be entitled An Act amending Section 87.101, Chapter 87, Texas Education Code, so as to change the name of Prairie View Agricultural and Mechanical College of Texas to Prairie View A and M University; and declaring an emergency.

To Committee on Education.

By Senator Mauzy:

S.B. 488, A bill to be entitled An Act making a supplemental appropriation to the Dallas County Junior College District for the fiscal year ending August 31, 1974, and declaring an emergency.

To Committee on Finance.

By Senator Santiesteban:

S.J.R. 21, Proposing an amendment to Article III, Section 47, of the Texas Constitution, to authorize the establishment and regulation of a state lottery.

To Committee on State Affairs.

By Senator Mengden:

S.J.R. 22, Proposing an amendment to Article III, Section 37, of the Texas Constitution, to provide that no bill may be passed by the legislature in regular session unless placed on the calendar two weeks before the session ends.

To Committee on State Affairs.

By Senator Mengden:

S.J.R. 23, Proposing an amendment to Article III, Section 51-a, of the Texas Constitution, to delete the requirement that state funds for assistance grants and medical care for needy individuals and families be matched with federal funds.

To Committee on State Affairs.

By Senator Mauzy:

S.C.R. 51, Proposing that the State Board of Education adopt and implement procedures by which school officials and local citizens in each district are involved in the reorganization of school districts.

To Committee on Education.

By Senator Ogg:

S.C.R. 53, Creating Interim Study Committee to be known as Governor's Small Business Committee.

To Committee on Administration.

**MESSAGE FROM GOVERNOR**

The following message from the Governor was read and referred to the Committee indicated:

Austin, Texas  
March 5, 1973

**TO THE SENATE OF THE SIXTY-THIRD LEGISLATURE, REGULAR SESSION:**

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be Associate Justice of the Court of Civil Appeals for the First Supreme Judicial District of Texas until the next general election and until his successor shall be duly elected and qualified: The Honorable Frank G. Evans, III of Houston, Harris County, to replace The Honorable Tom F. Coleman of Houston, Harris County, who resigned.

Respectfully submitted,  
**DOLPH BRISCOE**  
Governor of Texas

To Committee on Jurisprudence.

**SENATE CONCURRENT RESOLUTION 52 ON SECOND READING**

Senator Harrington asked unanimous consent to suspend the regular order of business and take up S.C.R. 52 for consideration at this time.

There was objection.

Senator Harrington then moved to suspend the regular order of business and take up S.C.R. 52 for consideration at this time.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Yeas: Adams, Aikin, Andujar, Blanchard, Bracke, Brooks, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Moore.

Absent-excused: Clower.

The President laid before the Senate the following resolution:

S.C.R. 52, Memorializing Congress to withhold all funds for rebuilding and restoration in Southeast Asia from any country which refuses to observe terms of peace agreement.

The resolution was read and was adopted.

**RECORD OF VOTE**

Senator Moore asked to be recorded as voting "Nay" on the adoption of the Resolution.

**CO-AUTHOR OF SENATE RESOLUTION 209**

On motion of Senator Mauzy and by unanimous consent, Senator Sherman will be shown as Co-author of S.R. 209.

**MESSAGE FROM THE HOUSE**

Hall of the House of Representatives  
Austin, Texas, March 6, 1973

Honorable William P. Hobby  
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 619, A bill to be entitled An Act relating to rental or lease of office space by members of the legislature; amending Section 4, Chapter 258, Acts of the 48th Legislature, Regular Session, 1943, as amended (Article 666b, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 361, A bill to be entitled An Act relating to exemptions from the property tax and from the franchise tax for certain nonprofit corporations providing homes for the handicapped or elderly persons; amending Article 12.03, Title 122a, Taxation - General, Revised Civil Statutes of Texas, 1925, as amended; amending Article 7150, Revised Civil Statutes of Texas, 1925, as amended, by adding a Section 27; and declaring an emergency.

H.B. 36, A bill to be entitled An Act requiring voter approval of urban renewal projects; adding Section 5a to the Urban Renewal Law, as amended (Article 1269L-3, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 37, A bill to be entitled An Act authorizing local option elections to approve or prohibit the use of real property acquired through urban renewal for public housing; amending Section 3, the Urban Renewal Law, as amended (Article 1269I-3, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 87, A bill to be entitled An Act amending Chapter 8, Title 112, Vernon's Texas Civil Statutes, 1925, as amended, to add a new Article 6388-A; by prohibiting and declaring unlawful, in the interest of public safety, health and welfare, the boarding or entry or attempted boarding or entry of a standing or moving railroad locomotive or car; providing that no person injured while engaged in said act or acts or while riding or occupying said railroad locomotives or cars shall recover damages unless the injury was intentionally caused by such persons, firm or corporation having possession and control of such locomotive or car; repealing all laws in conflict; and declaring an emergency.

H.C.R. 67, Commending and honoring the 11 illustrious professional football players and the distinguished Dr. William R. Bright for their service to the youth of Texas and Texans through the ministry of Campus Crusade for Christ.

H.B. 441, A bill to be entitled An Act relating to the tort liability of units of government; amending Sections 2, 3, 9, 11, 12, 14, 16, and 18, and repealing Section 19A, Texas Tort Claims Act, as amended (Article 6252-19, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 264, A bill to be entitled An Act providing for mandatory continuance in all suits, civil, criminal, or probate, and in all matters, ancillary thereto, when any party or any attorney in such cause shall be a Member



of the Legislature, at any time during a session of the Legislature and for 30 days prior to the convening of such session and 30 days subsequent to the adjournment of such session; providing certain exceptions where such mandatory continuance shall not apply; providing for discretionary continuance in certain circumstances; amending Acts 1929, 41st Legislature, Page 17, Chapter 7, Section 1, Acts 1941, 47th Legislature, Page 69, Chapter 56, Section 1; and Acts 1949, 51st Legislature, Page 1111, Chapter 569, Section 1; being known and cited as Article 2168a, Vernon's Annotated Civil Statutes of the State of Texas; conforming Rule 254, Texas Rules of Civil Procedure, to the provisions hereof; repealing all laws and rules, or parts of laws or parts of rules in conflict herewith; and declaring an emergency.

Respectfully submitted,  
**DOROTHY HALLMAN**  
Chief Clerk, House of Representatives

### **SENATE BILL 123 ON SECOND READING**

The Senate resumed consideration of the pending business, same being S.B. 123 on its second reading and passage to engrossment, with an amendment by Senator Creighton pending.

Question, Shall the amendment by Senator Creighton to S.B. 123 be adopted?

### **SENATE BILL 123 SET AS SPECIAL ORDER**

On motion of Senator Gammage and by unanimous consent, S.B. 123 was Set as Special Order at 11:30 o'clock a.m., Monday, March 11, 1973.

### **COMMITTEE SUBSTITUTE SENATE BILL 222 ON SECOND READING**

Senator Moore moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that C.S.S.B. 222 be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 25, Nays 5.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Creighton, Gammage, Harris, Herring, Hightower, Jones, Kothmann, Longoria, McKinnon, McKnight, Meier, Moore, Ogg, Patman, Santiesteban, Sherman, Snelson, Traeger and Wolff.

Nays: Harrington, Mauzy, Mengden, Schwartz and Wallace.

Absent-excused: Clower.

The President laid before the Senate on its second reading and passage to engrossment:

C.S.S.B. 222, A bill to be entitled An Act amending Chapter 9, Title 71, Revised Civil Statutes of Texas, 1925, as amended by adding a new section to be known as Article 4551d (1) relating to the authority of the Texas State Board of Dental Examiners; amending Article 4551f, Chapter 9, Title 71, Revised Civil Statutes of Texas, 1925, as amended, providing for classes of technicians, qualifications, standards, examination, registration, and regulation of Dental Laboratories and Dental Technicians; providing for rule making authority and an Advisory Board; providing a repealing clause; providing a severability clause; and declaring an emergency.

The bill was read second time and was passed to engrossment.

#### RECORD OF VOTES

Senators Harrington, Mauzy, Brooks and Wallace asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

#### COMMITTEE SUBSTITUTE SENATE BILL 222 ON THIRD READING

Senator Moore moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 222 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 6.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Creighton, Gammage, Harris, Herring, Hightower, Jones, Kothmann, Longoria, McKinnon, McKnight, Meier, Moore, Ogg, Patman, Santiesteban, Sherman, Snelson, Traeger and Wolff.

Nays: Brooks, Harrington, Mauzy, Mengden, Schwartz and Wallace.

Absent-excused: Clower.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### RECORD OF VOTES

Senators Harrington, Mauzy, Wallace and Brooks asked to be recorded as voting "Nay" on the final passage of the bill.

#### REASON FOR VOTE

I am voting "Nay" on final passage of S.B. 222 for the reason that I have discovered upon examining the bill that the registered lobbyist who appeared before the Senate State Affairs Committee at the time this bill was heard had totally and completely misrepresented the rule-making authority provision in Section 1 of the bill. Specifically, the registered lobbyist, Carl Hardin, answered in direct response to a question posed jointly by the Senate author, Senator Moore, and me that the rule-making authority was limited to the constitutional and statutory provisions now existing or hereinafter enacted. Upon examination of the bill, after voting favorably to suspend the rules to bring the bill up for debate, I found that the rule-making authority is not limited as the lobbyist represented it to be.

#### BROOKS

#### SENATE BILL 251 ON SECOND READING

Senator Hightower moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that S.B. 251 be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 26, Nays 4.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Creighton, Gammage, Harris, Herring, Hightower, Jones, Kothmann, Longoria, McKinnon, McKnight, Meier, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman,

Snelson, Traeger and Wolff.

Nays: Harrington, Mauzy, Mengden and Wallace.

Absent-excused: Clower.

The President laid before the Senate on its second reading and passage to engrossment:

S.B. 251, A bill to be entitled An Act relating to Public Law (Federal) 92-159, Section (b) (1) (85 Stat. 480, 16 U.S.C. 742 j-1) and to the use of aircraft for predator animal control in certain counties in circumstances which are necessary to protect human and natural resources; providing for the issuance of permits; requiring reports; authorizing Parks and Wildlife Commission to make regulations; providing penalties; and declaring an emergency.

The bill was read second time and was passed to engrossment.

#### RECORD OF VOTES

Senators Ogg, Mauzy and Harrington asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

#### SENATE BILL 251 ON THIRD READING

Senator Hightower moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and the S.B. 251 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 4.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Creighton, Harris, Herring, Hightower, Jones, Kothmann, Longoria, McKinnon, McKnight, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Gammage, Harrington, Mauzy and Ogg.

Absent-excused: Clower.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### RECORD OF VOTES

Senators Ogg, Mauzy and Longoria asked to be recorded as voting "Nay" on the final passage of the bill.

#### SENATE BILL 67 ON THIRD READING

Senator Traeger moved that Senate Rule 12 be suspended and that S.B. 67 be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 21, Nays 9.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Gammage, Harrington, Hightower, Jones, Kothmann, Longoria, McKinnon, McKnight, Ogg, Santiesteban, Schwartz, Snelson, Traeger, Wallace and Wolff.

Nays: Creighton, Harris, Herring, Mauzy, Meier, Mengden, Moore, Patman and Sherman.

Absent-excused: Clower.

The President laid before the Senate on its third reading and final passage:

S.B. 67, A bill to be entitled An Act relating to property tax exemptions for property of a nonprofit corporation owned and held for use in the development of a medical center in which the nonprofit corporation has donated land for a medical, dental, or nursing school or for another medical and educational institution, and not used for profit; etc.; and declaring an emergency.

The bill was read third time and was passed by the following vote: Yeas 19, Nays 11.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Gammage, Hightower, Jones, Kothmann, Longoria, McKinnon, McKnight, Ogg, Santiesteban, Schwartz, Snelson, Traeger and Wolff.

Nays: Creighton, Harrington, Harris, Herring, Mauzy, Meier, Mengden, Moore, Patman, Sherman and Wallace.

Absent-excused: Clower.

#### **HOUSE BILLS AND RESOLUTION ON FIRST READING**

The following bills and resolution received from the House, were read the first time and referred to the Committees indicated:

H.B. 361, To Committee on State Affairs.  
 H.B. 264, To Committee on Jurisprudence.  
 H.B. 441, To Committee on Jurisprudence.  
 H.B. 87, To Committee on Human Resources.  
 H.B. 36, To Committee on Intergovernmental Relations.  
 H.B. 37, To Committee on Intergovernmental Relations.  
 H.B. 619, To Committee on Administration.  
 H.C.R. 67, To Committee on Administration.

#### **CO-AUTHOR WITHDRAWN FROM SENATE BILL 119**

On motion of Senator Mengden and by unanimous consent, Senator Hightower was withdrawn as co-author of S.B. 119.

#### **MOTION TO PLACE SENATE BILL 44 ON SECOND READING**

Senator Jones moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that S.B. 44 be taken up for consideration at this time.

The motion was lost by the following vote: (Not receiving two-thirds vote of the Members present) Yeas 21, Nays 9.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Creighton, Harris, Hightower, Jones, Kothmann, McKinnon, McKnight, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Wallace.

Nays: Brooks, Gammage, Harrington, Herring, Longoria, Mauzy, Meier, Ogg and Wolff.

Absent-excused: Clower.

### SENATE BILL 49 WITH HOUSE AMENDMENTS

Senator Sherman called S.B. 49 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

### AMENDMENT NO. 1

Amend S.B. 49 by striking (c) Section 1 and substituting in lieu thereof the following:

"(c) At such time as this amendment shall take effect the board shall designate a number for the position held by each member of the board the first three positions shall be held by those directors whose present terms expire the first Saturday in April, 1973 and they shall serve until the first Saturday in April, 1973; the remaining four positions to-wit; Place Four (4); Place Five (5); Place Six (6) and Place Seven (7) shall be the subject of the regular election of directors to be held on the first Saturday in April, 1974. Directors shall be elected by vote of the qualified electors of the entire Donley County Hospital District for two year terms. At each election candidates shall be voted upon and be elected separately for each position on the board, and the name of each candidate shall be placed on the official ballot according to the number of the position for which he or she is running and for which he or she has petitioned. A candidate receiving a majority of the votes cast for all candidates for a position shall be declared elected. If no candidate receives such a majority, then the two candidates receiving the highest number of votes shall run against each other for the position. The run-off election for all positions shall be held on the last Saturday in April with the notice thereof to be published in a newspaper of general circulation in the county one (1) time at least seven (7) days prior to the date of the run-off election. A candidate shall be eligible to run for only one (1) position at each election. Vacancies in office shall be filled for the unexpired term by the Donley County Hospital District Board of Directors. Any person desiring to have his or her name placed on the ballot, as a candidate for director, shall file with the secretary of said board, prior to 31 days before election. Said election returns shall be canvassed by the Donley County Hospital District Board. The election shall conform to the general election laws of the State of Texas, and be held on the first Saturday of April of each year. Each member of the board of directors shall execute a good and sufficient bond in the amount of \$1,000 payable to said district conditioned upon the faithful performance of his or her duties, and each bond shall be purchased at the expense of the district."

The House amendment was read.

Senator Sherman moved the Senate concur in the House amendment to S.B. 49.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban,

Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Absent-excused: Clower.

**COMMITTEE SUBSTITUTE SENATE BILL 265  
ON SECOND READING**

Senator Moore moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that C.S.S.B. 265 be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 26, Nays 4.

Yeas: Adams, Akin, Andujar, Blanchard, Braecklein, Brooks, Creighton, Gammage, Harrington, Harris, Hightower, Jones, Kothmann, McKinnon, McKnight, Meier, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Herring, Longoria, Mauzy and Mengden.

Absent-excused: Clower.

The President laid before the Senate on its second reading and passage to engrossment:

C.S.S.B. 265, A bill to be entitled An Act relating to insurance coverage for aircraft and persons operating aircraft owned by the Department of Corrections; amending Section 1, Chapter 208, General Laws, Acts of the 43rd Legislature, Regular Session, 1933 (Article 6166z10, Vernon's Texas Civil Statutes); and declaring an emergency.

The bill was read second time and was passed to engrossment.

**RECORD OF VOTE**

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 265  
ON THIRD READING**

Senator Moore moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 265 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 3.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Gammage, Harrington, Harris, Hightower, Jones, Kothmann, Longoria, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Blanchard, Herring and Mauzy.

Absent-excused: Clower.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas

27, Nays 3.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Gammage, Harrington, Harris, Hightower, Jones, Kothmann, Longoria, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Blanchard, Herring and Mauzy.

Absent-excused: Clower.

#### **SENATE CONCURRENT RESOLUTION 26 ON SECOND READING**

The President laid before the Senate the following resolution:

S.C.R. 26, Granting permission to Philip Gant, Jr. to sue the State of Texas.

The resolution was read.

On motion of Senator Blanchard and by unanimous consent, the resolution was considered immediately and was adopted.

#### **SENATE BILL 273 ON SECOND READING**

Senator Schwartz moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that S.B. 273 be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 27, Nays 3.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Creighton, Gammage, Harrington, Harris, Hightower, Jones, Kothmann, Longoria, McKinnon, McKnight, Meier, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Herring, Mauzy and Mengden.

Absent-excused: Clower.

The President laid before the Senate on its second reading and passage to engrossment:

S.B. 273, A bill to be entitled An Act relating to the cleaning and maintaining of public beaches bordering on the Gulf of Mexico; etc.; and declaring an emergency.

The bill was read second time and was passed to engrossment.

#### **SENATE BILL 273 ON THIRD READING**

Senator Schwartz moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 273 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Creighton, Gammage, Harrington, Harris, Hightower, Jones, Kothmann, Longoria, Mauzy,

McKinnon, McKnight, Meier, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Herring and Mengden.

Absent-excused: Clower.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Creighton, Gammage, Harrington, Harris, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Herring.

Absent-excused: Clower.

#### **SENATE BILL 193 ON SECOND READING**

Senator Hightower moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that S.B. 193 be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Meier.

Absent-excused: Clower.

The President laid before the Senate on its second reading and passage to engrossment:

S.B. 193, A bill to be entitled An Act relating to absentee voting in elections; enacting provisions permitting any permanently disabled voter to file a certificate of permanent disability with the registrar of voters in lieu of having to submit a certificate of disability with each application for an absentee ballot; etc.; and declaring an emergency.

The bill was read second time and was passed to engrossment.

#### **RECORD OF VOTE**

Senator Meier asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

#### **SENATE BILL 193 ON THIRD READING**

Senator Hightower moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 193 be placed on its third reading and final passage.



The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Meier and Mengden.

Absent-excused: Clower.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### RECORD OF VOTE

Senator Meier asked to be recorded as voting "Nay" on the final passage of the bill.

#### SENATE BILL 64 ON SECOND READING

Senator Brooks moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that S.B. 64 be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Absent-excused: Clower.

The President laid before the Senate on its second reading and passage to engrossment:

S.B. 64, A bill to be entitled An Act relating to the terms of court of the 182nd, 183rd, 184th and 185th District Courts; etc., by adding a Subsection (c); and declaring an emergency.

The bill was read second time and was passed to engrossment.

#### SENATE BILL 64 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 64 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Absent-excused: Clower.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Absent-excused: Clower.

#### **MOTION TO PLACE SENATE BILL 167 ON SECOND READING**

Senator Adams moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that S.B. 167 be taken up for consideration at this time.

The motion was lost by the following vote: (Not receiving two-thirds vote of the Members present) Yeas 23, Nays 8.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Creighton, Gammage, Harrington, Hightower, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Moore, Ogg, Santiesteban, Sherman, Traeger, Wallace and Wolff.

Nays: Clower, Harris, Herring, Jones, Mengden, Patman, Schwartz and Snelson.

#### **SENATE BILL 223 ON SECOND READING**

Senator Aikin moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that S.B. 223 be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Hightower, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Moore, Ogg, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Harris, Herring, Jones, Mengden and Patman.

The President laid before the Senate on its second reading and passage to engrossment:

S.B. 223, A bill to be entitled An Act amending Section 54.051 of Subchapter B of the Texas Education Code by adding a new Subsection (q) to permit Boards of Regents of Institutions of Higher Education to transfer surplus scholarship funds to local funds of such institutions; and declaring an emergency.

The bill was read second time and was passed to engrossment.

**SENATE BILL 223 ON THIRD READING**

Senator Aikin moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 223 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Moore, Ogg, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Harris, Herring, Mengden and Patman.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 4.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Moore, Ogg, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Harris, Herring, Mengden and Patman.

**SENATE RESOLUTION 255**

Senator Wallace offered the following resolution:

BE IT RESOLVED, by the Senate of the 63rd Legislature, that Senate Resolution 9 of the 63rd Legislature setting out rules of the Senate is amended by adding a new paragraph to Rule 12 to read:

"The President shall prepare a calendar of all matters to be considered on any given day. No matter not on the calendar shall be considered except by unanimous consent of the members present. No matter on the calendar shall be considered until the calendar has been laid on each member's desk for a minimum of twelve (12) hours."

The resolution was read and was referred to the Committee on Administration.

**CO-AUTHOR OF SENATE BILL 399**

On motion of Senator Gammage and by unanimous consent, Senator Brooks will be shown as Co-author of S.B. 399.

**MEMORIAL RESOLUTIONS**

S.R. 247 - By Senator Snelson: Memorial resolution for Mrs. William Franklin "Genie" Bennett.

S.R. 248 - By Senator Snelson: Memorial resolution for Claude L. Stevens.

S.R. 249 - By Senator Snelson: Memorial resolution for Z. I. "Chunk" Ashcraft.

S.R. 250 - By Senator Snelson: Memorial resolution for Mrs. H. H. Wilson.

S.R. 251 - By Senator Snelson: Memorial resolution for Brack Wiggins.

#### **WELCOME AND CONGRATULATORY RESOLUTIONS**

H.C.R. 72 - Extending congratulations to Leonard Briscoe.

S.R. 242 - By Senator Gammage: Extending welcome to students from Law Elementary School.

S.R. 243 - By Senator Gammage: Extending welcome to students from Mading Elementary School.

S.R. 244 - By Senator Herring: Extending welcome to students from Mary Lee School.

S.R. 245 - By Senator Adams: Extending congratulations to Garry Minton.

S.R. 246 - By Senator Adams: Extending congratulations to Jimmy Arrington.

S.R. 252 - By Senator Adams: Extending congratulations to Alvin Walker.

S.R. 253 - By Senator Ogg: Extending welcome to Sheriff Jack Heard, Houston.

S.R. 254 - By Senator Harrington: Extending welcome to Jimmy Lee, et al.

#### **ADJOURNMENT**

On motion of Senator Aikin the Senate at 12:30 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

#### **THIRTY-SECOND DAY (Wednesday, March 7, 1973)**

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

A quorum was announced present.

The Reverend Dr. Marvin Griffin, Ebenezer Baptist Church, Austin, Texas, offered the invocation as follows: